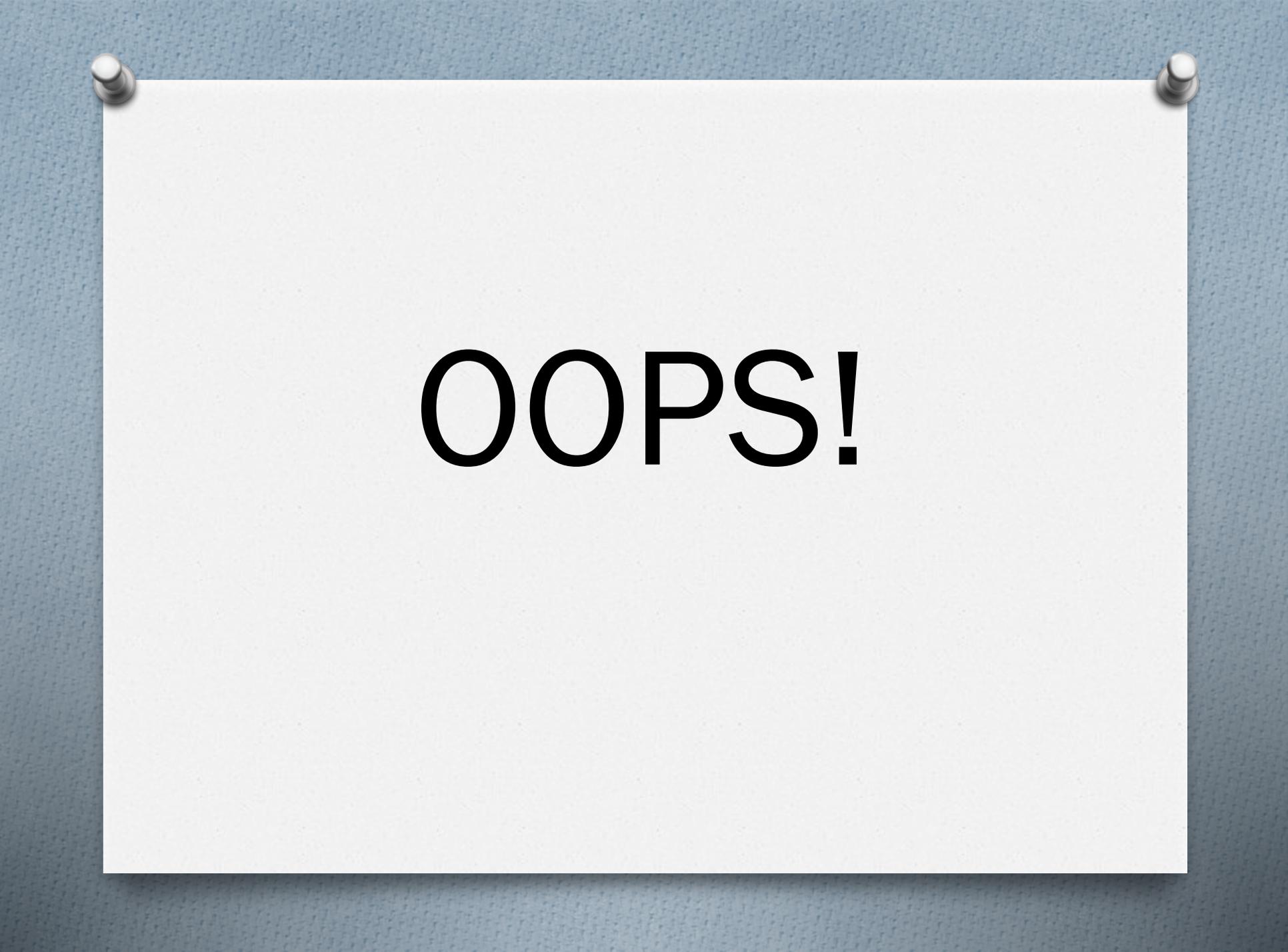




ACCIDENTS HAPPEN. OR DO THEY?

By: Mike Bertsch

Nicola, Gudbranson & Cooper, LLC



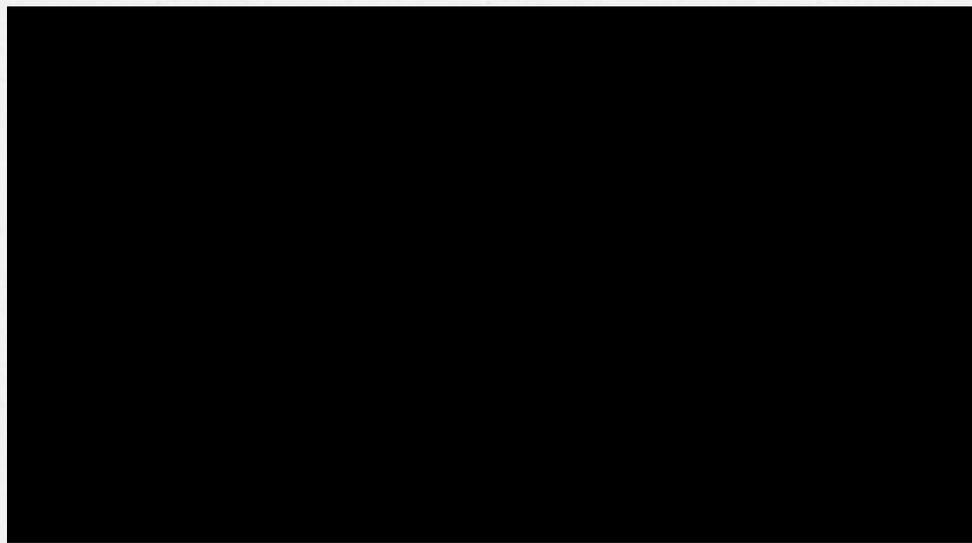
OOPS!

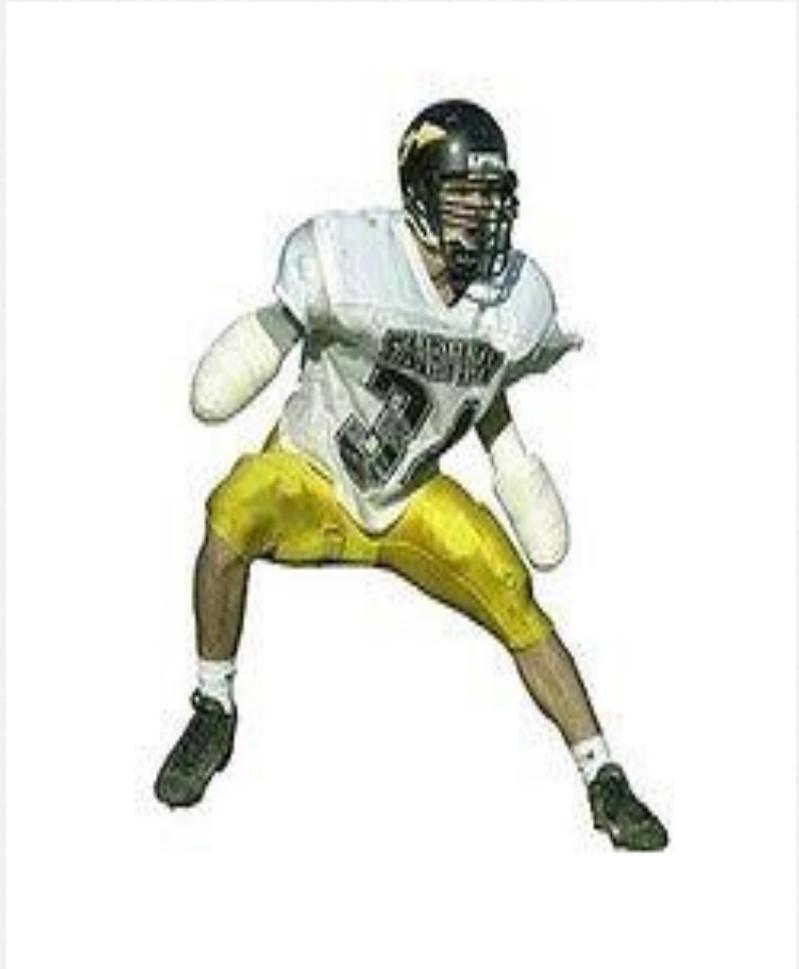
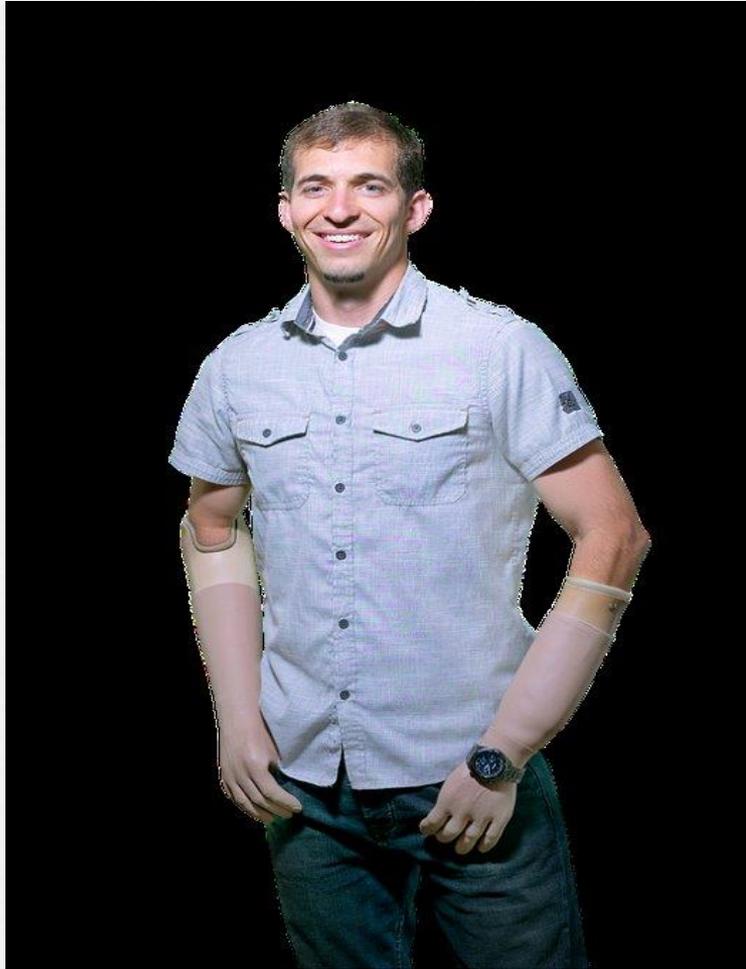
OOPSIE!



PRATFALL EFFECT:

- Bumbling that makes you more human, and thereby more likeable!

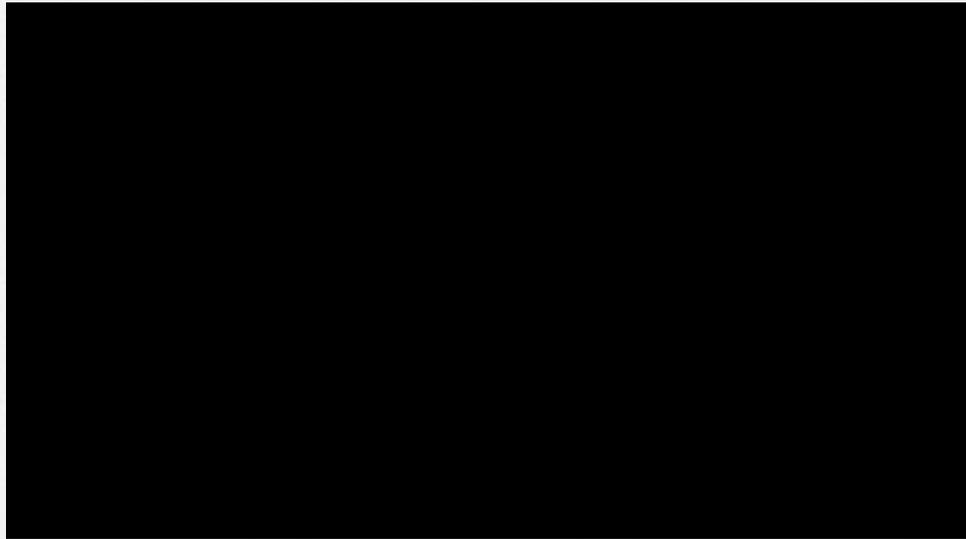




**AN ACCIDENT
WAITING TO
HAPPEN.**



500 TON STAMPING PRESS



POTENTIAL LIABILITIES

OSHA

BWC/ICO

EMPLOYER
INTENTIONAL
TORT

OSHA

- o 29 C.F.R. 1910.217 – Mechanical Power Press Guarding
- o Effective vs. Fool Proof
- o Classifications
 - o Willful
 - o Repeat
 - o Serious

OSHA

- o 29 C.F.R. 1904.39 – Accident Reporting
 - o Death
 - o In-patient Hospitalization
 - o Amputation
 - o Eye Loss

Failure to Report: \$5-7,000 fine in 24 hours/8 death

OSHA VISIT

o 1) NO WARRANT

o 2) WARRANT

BWC/ICO

- o **Workers Compensation Claim**

- o Medical

- o Lost Time

- o Loss of Use Award

- o 450 weeks x \$902.00 per week = \$405,900
(2017)

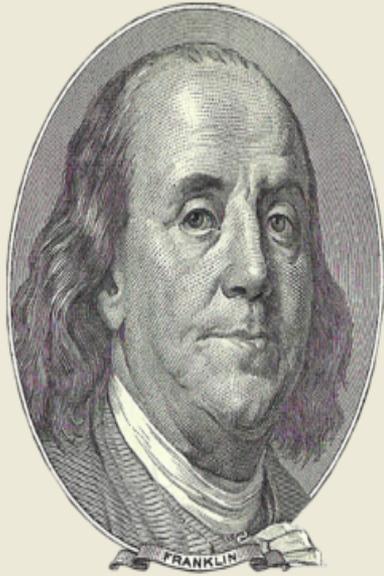
VSSR

o Violation of A Specific ICO Regulation

- 1) Penalty
- 2) Award 15-50% of Comp Paid and Payable at Max Rate
- 3) No Insurance and Direct Loss
- 4) Not Limited to 5 year experience

EMPLOYER INTENTIONAL TORT

- o OHIO REVISED CODE § 2745.01
- o DIRECT ACTION – NOT W.C.
- o “Deliberate” Intent to Injury Only
- o “Deliberate” Removal of Safety Guard

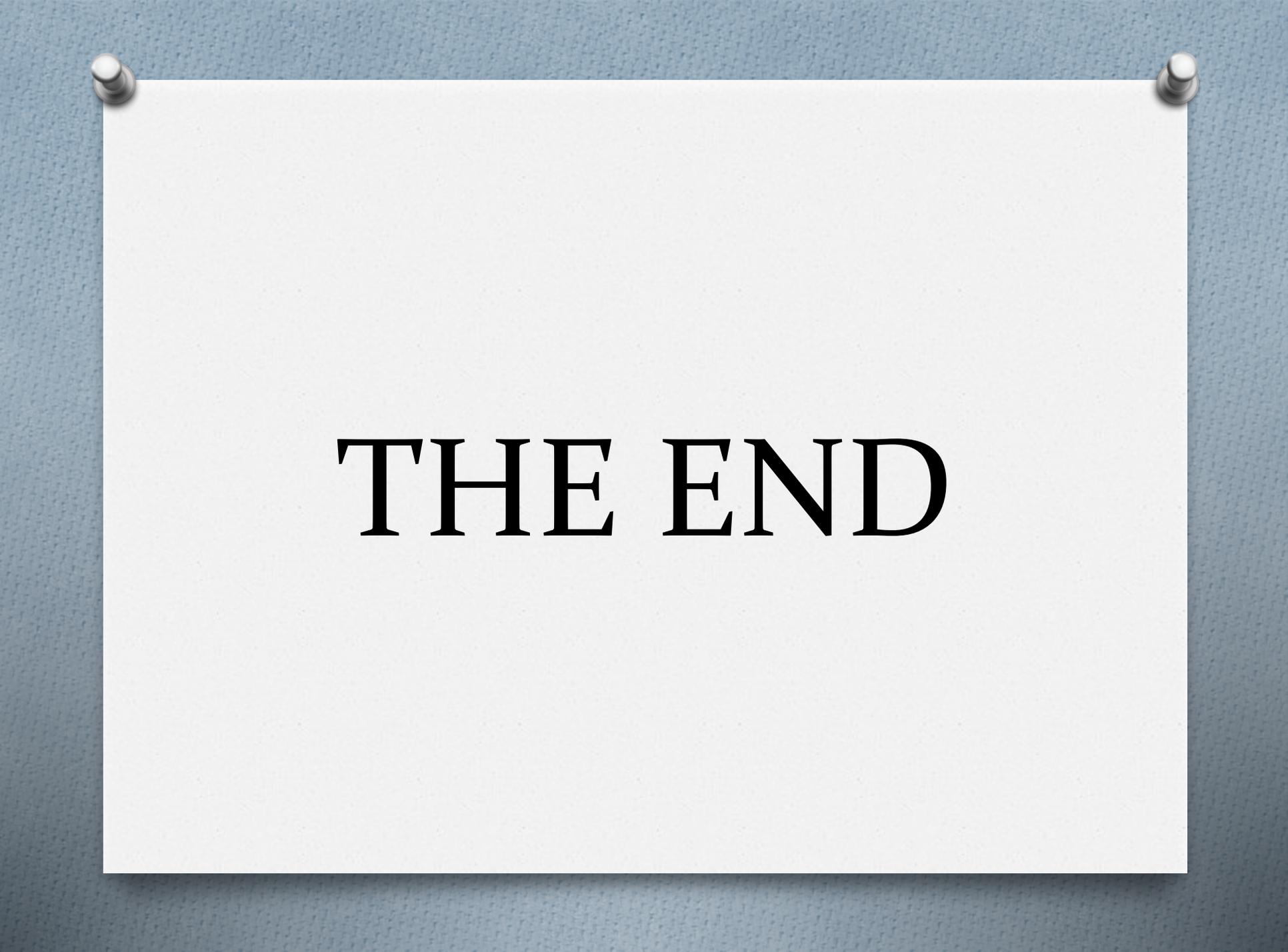


"An ounce of prevention
is worth a pound of cure."
Benjamin Franklin

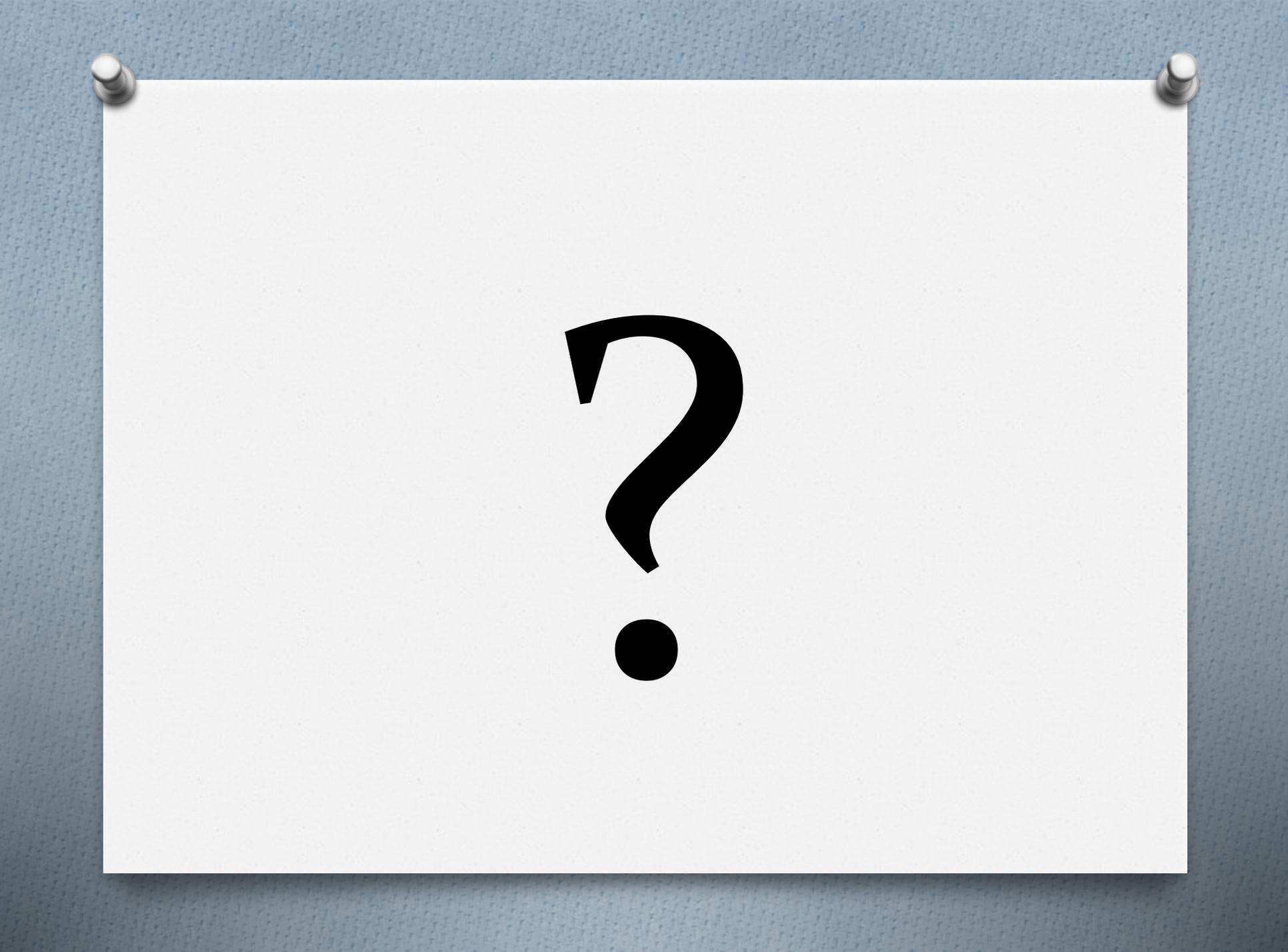




**SAFETY
FIRST**



THE END



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